

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

UNITED STATES OF AMERICA §  
§  
V. § No. 2:08cr4(1)  
§  
§ BILLY JOE BUTLER

## **ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND FINDING DEFENDANT GUILTY**

On this day, the court considered the Findings of Fact and Recommendation of United States Magistrate Judge Chad Everingham regarding the defendant's plea of guilty and allocution of the defendant on an indictment charging the defendant in Count 1 with a violation of 21 U.S.C. § 846, Conspiracy to Possess with Intent to Distribute 5 Kilograms or more of Cocaine. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the Magistrate Judge recommends that the court accept the guilty plea of the defendant. No objections were filed to the Findings of Fact and Recommendation. The court is of the opinion that the Findings of Fact and Recommendation should be accepted.

It is accordingly ORDERED that the Findings of Fact and Recommendation of the United States Magistrate Judge, filed January 23, 2009, are hereby ADOPTED.

It is further ORDERED that, pursuant to defendant's plea agreement, the court finds defendant GUILTY of Count 1 of the Indictment in the above-numbered cause.

SIGNED this 13th day of February, 2009.

T. John Ward  
T. JOHN WARD  
UNITED STATES DISTRICT JUDGE